

Larry Caldwell (SBN 88867)
1380 Lead Hill Blvd., Suite 106
Roseville, California 95661
Telephone: (916) 774-4667
Facsimile: (916) 797-4954
caldwellandassociates@surewest.net

Plaintiff in Pro Per

Kevin T. Snider, SBN 170988
PACIFIC JUSTICE INSTITUTE
9851 Horn Road, Suite 115
Sacramento, CA 95827
Tel. (916) 857-6900
Fax (916) 857-6902
kevinsnider@pacificjustice.org

Attorney for Plaintiff

Mathew D. Evans, SBN 78771

Matthew D. Evans, SBN 101
James B. Carr, SBN 53274

James D. Carr, CFA, CLU, ChFC
EVANS, WIECKOWSKI & WARD, LLP
745 University Avenue
Sacramento, CA 95825
jcarr@lomde.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY CALDWELL,

Plaintiff.

vs.

**ROSEVILLE JOINT UNION HIGH
SCHOOL DISTRICT; JAMES
JOINER, et al.**

Defendants.

CASE NO. 2:05-CV-00061-FCD-JFM

**STIPULATION AND ORDER RE
SCHEDULING OF CROSS-MOTIONS
FOR PARTIAL SUMMARY JUDGMENT**

1 STIPULATION

2 Defendants have filed two Motions for Partial Summary Judgment and a Motion for
3 Sanctions that are currently set for hearing on August 4, 2006.

4 Plaintiff plans to file at least one and probably three Motions for Partial Summary
5 Judgment on or before August 4, 2006, to be noticed for hearing on September 15, 2006.

6 Plaintiff and defendants are in agreement that it is desirable to have their respective
7 Motions for Partial Summary Judgment heard on the same date.

8 Therefore, Plaintiff and his co-counsel, on the one hand, and Defendants, through their
9 attorney of record, on the other hand, have stipulated that the hearing on Defendants' two
10 Motions for Partial Summary Judgment and Defendants' Motion for Sanctions will be continued
11 from August 4, 2006 to September 15, 2006, so that Plaintiff's Motions and Defendants' Motions
12 can be heard at the same time, and that Plaintiff will file and serve his Motion(s) for Partial
13 Summary Judgment on or before August 4, 2006, to be noticed for hearing on September 15,
14 2006.

15 The briefing schedule for Defendants' motions and Plaintiffs' motions will be according
16 to the Eastern District's Local Rules as calendared on the basis of the September 15, 2005
17 hearing date.

18 However, as part of this stipulation, Plaintiff stipulates in advance that ,after Plaintiff files
19 his moving papers for his Motion(s) for Partial Summary Judgment, Plaintiff, upon request by
20 Defendants, will agree to an order granting a further continuance of the joint hearing date for
21 Plaintiff's Motion(s) and Defendants' Motions from September 15, 2006 to the first date available
22 on this court's motion calendar that is two weeks after September 15, 2006 (in order to give
23 defendants an additional two weeks to respond to Plaintiff's Motion(s) if defendants determine
24 that such additional time to respond is needed). If defendants elect to request such additional
25 continuance of the joint hearing on the motions, counsel for defendants will prepare and file an
26 appropriate Stipulation and Order regarding such additional continuance to the court.

27 / / / /

28 / / / /

1 DATED: July 14, 2006

2 By: /s/ Larry Caldwell

3 Larry Caldwell
4 Plaintiff in Pro Per

5 DATED: July 14, 2006

6 **PACIFIC JUSTICE INSTITUTE**

7 By: /s/ Kevin T. Snider

8 Kevin T. Snider, Esq.,
9 Attorney for Plaintiff

10 DATED: July 14, 2006

11 **EVANS, WEICKOWSKI & WARD, LLP**

12 By: /s/ Matthew D. Evans

13 Mathew D. Evans, Esq.,
14 Attorneys for Defendants

15 **ORDER**

16 Based upon the foregoing stipulation by the parties, the court orders as follows:

17 The hearing date on Defendants' two Motions for Partial Summary Judgment and
18 Motion for Sanctions are continued from August 4, 2006 to September 15, 2006.

19 Plaintiff is ordered to file and serve any Motions for Partial Summary Judgment that he
20 wants heard on or before August 4, 2006, and to notice Plaintiff's Motions for Partial Summary
21 Judgment for hearing on September 15, 2006 at 10:00 a.m. in Courtroom #2.

22 **IT IS SO ORDERED.**

23 Dated: July 18, 2006

24 /s/ Frank C. Damrell Jr.
25 FRANK C. DAMRELL, JR.,
26 UNITED STATES DISTRICT JUDGE